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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,382	02/20/2004	David A. Matthews	MS1-2014US	6418

22801 7590 03/06/2007
LEE & HAYES PLLC
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EXAMINER

BELOUSOV, ANDREY

ART UNIT	PAPER NUMBER
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2109

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/06/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary	Application No. 10/783,382	Applicant(s) MATTHEWS ET AL.	
	Examiner Andrew Belousov	Art Unit 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the original filing of February 20, 2004. Claims 1-65 are pending and have been considered below.

Claim Objections

1. Claim 48 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 48 is written in an apparatus form and does not further add, delete or change the subject matter of Claim 25 on which it appears to depend on.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-24 are rejected under 35 U.S.C. 101 because:

Independent Claim 1 is drawn to a computer program per se. A computer program is not a series of steps or acts and this is not a process. A computer program is not a physical article or object and as such is not a machine or manufacture. A computer program is not a combination of substances and therefore not a compilation of matter. Thus, a computer program by itself does not fall within any of the four categories of

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invention. Therefore, Claim 1 and its dependants (because they fail to further cure the defect) are not statutory.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 28, 34, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 52, 57, 58, 60, 61, 62, 63 and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Andy Rathbone, (Windows ® XP for Dummies®.)

Claim 1, 25, 48, 49: Rathbone discloses a user interface start page, method and one or more computer readable media, and one or more computer readable media comprising executable instructions that, when executed, direct a computing device to perform the method of claim 25, comprising:

- a. a user-identifiable indicator associated with a user of a computing system to indicate that the user is logged-on to the computing system (Fig. 4-3: "Andy Rathbone");

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- b. and user-selectable controls from one or more regions of a desktop page which is displayed after a transition from the user interface start page, each of the user-selectable controls configured to initiate a display of information associated with the user when selected (Fig. 4-3).

Claim 2, 26, 50: Rathbone discloses a user interface start page, method and one or more computer readable media, as recited in claim 1, 25 and 49, respectively, further comprising a start control configured to initiate that multiple application programs start together at approximately a same time after the transition to the desktop page (start control: "start-up folder" page 169; "transition to desktop page": from the logon screen, after logging in: Fig. 4-1.)

Claim 4, 28, 52: Rathbone discloses a user interface start page, method and one or more computer readable media, as recited in claim 1, 25 and 49, respectively, further comprising a start control configured to initiate that a group of application programs start together at approximately a same time after the transition to the desktop page, the group of application programs including application programs often selected for use by the user (start control: "start-up folder" page 169; The apps in the start-up folder being apps that are often selected ("oft-used", page 168, 169) for use by the user. "Transition to desktop page" - from the logon screen, after logging in: Fig. 4-1.)

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Claim 9, 33, 57: Rathbone discloses a user interface start page, method and one or more computer readable media, as recited in claim 1, 25 and 49, respectively, further comprising a logoff control configured for user-selection to logoff the computing system and initiate a transition to a logon page that includes one or more selectable logon controls that each correspond to a different user of the computing system (logoff control: Fig. 4-3; transition to Welcome screen: page 73; Fig. 4-1.)

Claim 10, 34, 58: Rathbone discloses a user interface start page, method and one or more computer readable media, as recited in claim 1, 25 and 49, respectively, further comprising a settings change control configured for user-selection to change display settings of the user interface start page (page 276: Control panel -> Appearance and Themes -> Start Menu.)

Claim 14: Rathbone discloses a user interface start page, as recited in claim 1, wherein the user-selectable controls include a list of resources that each correspond to at least one of (i) a resource recently accessed by the user and (ii) a resource designated for user-selection from the user interface start page (Page 167: resources: applications, recently accessed and designated for selection from start page ("pinned".))

Claim 60: Rathbone discloses one or more computer readable media as recited in claim 49, further comprising computer executable instructions that, when executed, direct the computing device to display the user-selectable controls to include a list of

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resources that are each associated with the user (Page 167: resources: applications, recently accessed and designated for selection from start page ("pinned".))

Claim 15, 38: Rathbone discloses a user interface start page and a method, as recited in claim 1 and 25, respectively, wherein the user-selectable controls include a list of resources that each correspond to a resource recently accessed by the user, and wherein a resource is initiated for display when the corresponding user-selectable control is selected and after the transition to the desktop page (Page 167: resources: applications, recently accessed, can be loaded (initiated for display) by clicking on it: page 166.)

Claim 16, 39: Rathbone discloses a user interface start page and a method, as recited in claim 1 and 25, respectively, wherein the user-selectable controls include a list of resources that each correspond to a resource designated for user-selection from the user interface start page, and wherein a resource is initiated for display when the corresponding user-selectable control is selected and after the transition to the desktop page (Page 167: resources: applications, designated for selection from start page ("pinned".) Can be loaded (initiated for display) by clicking on it: page 166.)

Claim 17, 40, 41: Rathbone discloses a user interface start page and a method as recited in claim 1 and 25, respectively, wherein the user-selectable controls include a list of documents that each correspond to at least one of (i) a document recently

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accessed by the user (page 166, list of docs: My Documents, recently accessed) and (ii) a document designated for user-selection from the user interface start page (page 166, list of docs: My Documents, saved (designated for user-selection) files.)

Claim 61: Rathbone discloses one or more computer readable media as recited in claim 49, further comprising computer executable instructions that, when executed, direct the computing device to display the user-selectable controls to include a list of documents that are each associated with the user (page 166, list of docs: My Documents, associated: recently accessed / saved.)

Claim 18, 42, 43: Rathbone discloses a user interface start page and a method as recited in claim 1 and 25, respectively, wherein the user-selectable controls include a list of directory locations that each correspond to at least one of (i) a directory location recently selected for use by the user (page 165, My Documents, My Pictures, My Music, etc., recently accessed by the user) and (ii) a directory location designated for user-selection from the user interface start page (page 165, My Documents, My Pictures, My Music, etc., designated by the authors of Windows® for user-selection)

Claim 62: Rathbone discloses one or more computer readable media as recited in claim 49, further comprising computer executable instructions that, when executed, direct the computing device to display the user-selectable controls to include a list of

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directory locations that are each associated with the user (page 165, directory locations: My Documents, My Pictures, My Music, etc., include respective to type, user saved files.)

Claim 19: Rathbone discloses a user interface start page as recited in claim 1, wherein the user-selectable controls include a list of application programs that each correspond to at least one of (i) an application program recently selected for use by the user and (ii) an application program designated for user-selection from the user interface start page (Page 167: applications, recently accessed and designated for selection from start page ("pinned".))

Claim 63: Rathbone discloses one or more computer readable media as recited in claim 49, further comprising computer executable instructions that, when executed, direct the computing device to display the user-selectable controls to include a list of application programs that are each associated with the user (Page 167: applications, recently accessed and designated (i.e. associated) for selection from start page ("pinned".))

Claim 20, 44: Rathbone discloses a user interface start page and a method as recited in claim 1 and 25, respectively, wherein the user-selectable controls include a list of application programs that each correspond to an application program recently selected for use by the user, and wherein an application program is initiated when the

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corresponding user-selectable control is selected and after the transition to the desktop page (Page 167: applications, recently accessed, can be loaded (initiated for display) by clicking on it: page 166.)

Claim 21, 45: Rathbone discloses a user interface start page and a method as recited in claim 1 and 25, respectively wherein the user-selectable controls include a list of application programs that each correspond to an application program designated for user-selection from the user interface start page, and wherein an application program is initiated when the corresponding user-selectable control is selected and after the transition to the desktop page (Page 167: applications, designated for selection from start page ("pinned").) Can be loaded (initiated for display) by clicking on it: page 166.)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, 6, 7, 8, 23, 24, 27, 29, 30, 31, 32, 47, 51, 53, 54, 55, 56 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rathbone.

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Claim 3, 27, 51: Rathbone discloses a user interface start page, method and one or more computer readable media, as recited in claim 1, 25 and 49, respectively, further comprising a start control ("start-up folder," page 168) configured to initiate that a group of application programs start together at approximately a same time after the transition to the desktop page (from logon screen after logging in, Fig. 4-1.) While, Rathbone does not disclose that the group of application programs includes application programs executing when a previous computing session was discontinued, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the start-up folder to execute a group of application programs when a previous computing session was discontinued. One would have been motivated to initiate previous session application programs, so as to allow a user a seamless transition to previously interrupted task encompassed over a number of application programs.

Claim 5, 29, 53: Rathbone discloses a user interface start page, method and one or more computer readable media, as recited in claim 1, 25 and 49, respectively, further comprising a start control ("start-up folder," page 168) configured to initiate that a group of application programs start together at approximately a same time after the transition to the desktop page (from logon screen after logging in, Fig. 4-1.) While, Rathbone does not disclose that the group of application programs includes application programs recently selected for use by the user, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the start-up folder to

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execute a group of application programs recently selected for use by the user. One would have been motivated to initiate recently selected application programs so as to seamlessly pick up the task that may have been interrupted.

Claim 6, 30, 54: Rathbone discloses a user interface start page, method and one or more computer readable media, as recited in claim 1, 25 and 49, respectively, further comprising a time-based display of information (time, "4:29 PM") corresponding to an environment ("time-zone") associated with the user (page 159.) While Rathbone does not disclose that the time-based display of information is incorporated on the user interface start page specifically, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the time-based display (visible and readily accessible in the lower right of the desktop as disclosed in Rathbone) to the user interface start page. One would have been motivated to include the display of time on the user interface start page so as to incorporate the frequently used and referenced information all in one place.

Claim 7, 31, 55: Rathbone discloses a user interface start page, method and one or more computer readable media, as recited in claim 1, 25 and 49, respectively, further comprising a date-based display of information (page 159, date (by hovering over the clock,) e.g. "Tuesday, February 27, 2007") corresponding to an environment ("time-zone") associated with the user. While Rathbone does not disclose that the date-based display of information is incorporated on the user interface start page specifically, it

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would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the date-based display (readily accessible in the lower right of the desktop as disclosed in Rathbone) to the user interface start page. One would have been motivated to include the display of the date on the user interface start page so as to incorporate the frequently used and referenced information all in one place.

Claim 8, 32, 56: Rathbone discloses a user interface start page, method and one or more computer readable media, as recited in claim 1, 25 and 49, respectively, further comprising a date-based user-selectable control (page 159, date (by hovering over the clock,) e.g. "Tuesday, February 27, 2007") corresponding to an application program (Windows XP time/date change program) associated with the user. While Rathbone does not disclose that the date-based control is incorporated on the user interface start page specifically, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the date-based control (readily accessible in the lower right of the desktop as disclosed in Rathbone) to the user interface start page. One would have been motivated to include the display of the date on the user interface start page so as to incorporate the frequently used and referenced information all in one place.

Claim 23, 47, 65: Rathbone discloses a user interface start page, method and one or more computer readable media, as recited in claim 1, 25 and 49, respectively.

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Rathbone further discloses the use of Outlook Express® which shows user-selectable controls that include a list of e-mail notifications that each correspond to an e-mail received after a previous computing session was discontinued. While Rathbone does not disclose the combination of Windows XP® user interface start page with the user selectable controls that include a list of e-mail notifications that each correspond to an e-mail received after a previous computing session was discontinued (Fig. 12-10: list of received emails,) in Outlook Express, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Outlook Express e-mail notification listing to the Windows XP interface start page. One would have been motivated to include e-mail notification list in the user interface start page as per similar suggested use in Outlook Express (page 233, Fig. 12-9, notification of unread Mail at the Welcome screen that each person has received) so as to incorporate this frequently used and referenced information all in one place.

Claim 24: Rathbone discloses a user interface start page as recited in claim 1.

Rathbone further discloses the use of Outlook Express® which shows user-selectable controls that include a list of e-mail notifications that each correspond to an e-mail received after a previous computing session was discontinued, and wherein an e-mail is configured to be displayed when the corresponding e-mail notification is selected and after the transition to the desktop page. While Rathbone does not disclose the combination of Windows XP® user interface start page with the user selectable controls that include a list of e-mail notifications that each correspond to

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an e-mail received after a previous computing session was discontinued (Fig. 12-10: list of received emails,) and wherein an e-mail is configured to be displayed when the corresponding e-mail notification is selected (clicked to read the new message) and after the transition to the desktop page (transition from Logon screen to desktop page, Fig. 4-1), in Outlook Express, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Outlook Express selectable e-mail notification listing to the Windows XP interface start page. One would have been motivated to include the selectable e-mail notification list in the user interface start page as per similar suggested use in Outlook Express (page 233, Fig. 12-9, notification of unread Mail at the Welcome screen that each person has received) so as to incorporate this frequently used and referenced information all in one place.

6. Claims 11, 12, 13, 35, 36, 37 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rathbone in view of Ricart, (The Complete Idiot's Guide® to Linux, Second Edition.)

Claim 11, 35, 59: Rathbone discloses a user interface start page, method and one or more computer readable media, as recited in claim 1, 25 and 49, respectively. However, Rathbone does not further disclose the same comprising a desktop selection control configured for user-selection to select from one or more desktop pages each corresponding to the user and each having a unique display configuration. Ricart, discloses a similar user interface including a desktop selection control ("virtual desktop

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buttons”) configured for user-selection to select from one or more desktop pages (“virtual desktops”) each corresponding to the user and each having a unique display configuration (page 67, “Different desktops have different color backgrounds to help you tell them apart.”) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the desktop page selection control to Rathbone. One would have been motivated to include a desktop page selection control, as per Ricart disclosure, as part of the user interface start page so as to “perform different tasks that require you to run various groups of applications at the same time” (page 66, Ricart.)

Claim 12, 36: Rathbone discloses a user interface start page, and a method, as recited in claim 1 and 25, respectively. However, Rathbone does not further disclose the same comprising a desktop selection control configured for user-selection to select from one or more desktop pages each corresponding to the user and each having a unique display configuration of any of the one or more regions of the desktop page. Ricart, discloses a similar user interface including a desktop selection control (“virtual desktop buttons,” page 67) configured for user-selection to select from one or more desktop pages (“virtual desktops,” page 67) each corresponding to the user and each having a unique display configuration (page 67, “Different desktops have different color backgrounds to help you tell them apart”) of any of the one or more regions of the desktop page (“background” region.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the desktop

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page selection control to Rathbone. One would have been motivated to include a desktop page selection control, as per Ricart disclosure, as part of the user interface start page so as to "perform different tasks that require you to run various groups of applications at the same time" (page 66, Ricart.)

Claim 13, 37: Rathbone discloses a user interface start page, and a method, as recited in claim 1 and 25, respectively. However, Rathbone does not further disclose the same comprising a desktop selection control configured for user-selection to select from one or more desktop pages that include at least one of a work environment desktop, a home environment desktop, a weekend activities desktop, and a weekday activities desktop.

Ricart, discloses a similar user interface including a desktop selection control ("virtual desktop buttons," page 67) configured for user-selection to select from one or more desktop pages ("virtual desktops," page 67) pages that can be named anything the user wants (page 71,) including naming them as "work," "home," "weekend," or "weekday".

The Examiner considers it immaterial as to how the desktop pages ("virtual desktops") are named, and that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a "work," "home," "weekend," or "weekday" titled desktop page by default, instead of "one," "two," "three," or "four." Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the desktop page selection control from Ricart to Rathbone. One would have been motivated to include a desktop page selection control, as per Ricart disclosure, as part of the user interface start page so as to "perform different tasks that

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require you to run various groups of applications at the same time" (page 66, Ricart) while at the same time allowing for intuitively named desktop pages to appropriately correspond to the various groups of applications.

7. Claims 22, 46 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rathbone in view of Grebler, ("Lindows Fast & Easy".)

Claim 22, 46, 64: Rathbone discloses a user interface start page, method and one or more computer readable media, as recited in claim 1, 25 and 49, respectively. However, Rathbone does not disclose wherein the user-selectable controls include a list of on-line users that each correspond to a particular user selected for display notification when the particular user is on-line. Grebler discloses an open source operating system including a free Instant Messenger software with user-selectable controls that include a list of on-line users ("buddies") that each correspond to a particular user selected for display notification when the particular user is on-line (page 1, "Only buddies that are online will show up in the Buddy List.") Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the desktop page selection control from Grebler to Rathbone. One would have been motivated to include the online user notification list so as to incorporate this frequently used and immediately sought after information all in one readily available place.

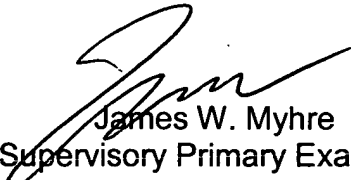
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB
Feb 27, 2007


James W. Myhre
Supervisory Primary Examiner